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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,116	12/27/2001	Raymond V. Damadian	265/173	7678
7590 08/11/2005			EXAMINER	
Brandon N. Sklar Kaye Scholer LLP 425 PARK, AVE. NEW YORK, NY 10022-3506			RAMIREZ, JOHN FERNANDO	
			ART UNIT	PAPER NUMBER
			3737	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/033,116	<b>Applicant(s)</b> DAMADIAN ET AL.	
	<b>Examiner</b> John F. Ramirez	<b>Art Unit</b> 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 14, 18-27, 33-38, 45 and 46 is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-17, 28-32, 39-44, 47-48 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/27/2001</u> <u>5/1/02</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: element 101 (page 5, line 5); elements 116 and 114 (page 5, line 23); elements 118a and 118b (page 6, line 1); element 124 (page 6, line 15); element 320 (page 8, line 6); element 322 (page 8, line 9); element 106a (page 9, line 18). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

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***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it includes legal phraseology and is more than 150 words. Correction is required. See MPEP § 608.01(b).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: In claim 5, there is no antecedent basis in the specification for the "light guide". Is this the same as the wave guide (304)? . Appropriate correction is required.

***Claim Objections***

Claim 3 is objected to because of the following informalities: Claim 3 recites the limitation "the illuminators" in the second line of claim 3. The examiner in view of the specification understands that "the illuminators" refers to "the light

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source” as set forth in Claim 1. Please amend and use consistent terminology.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28-32, and 42,43 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuth (U.S. Patent No. 5,627,470) discloses a ferromagnetic frame (14), first and second opposing poles (10) with canopies (see element 10 which is interpreted referring to pole shoes “covering” the poles thereby serving as “canopy”) defining an imaging volume (6) and a light projector (32) connected to the first integral canopy (10). Kuth shows in Figure 1 a light source (20) optically coupled to the light projector by a bundle of optical fibers (34). Regarding claims 42-43, Kuth discloses a magnetic resonance system having illumination means that makes adequately high luminance for surgical procedures. (Col.1, lines 44-48).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9-12, 15-17 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuth (U.S. Patent No. 5,627,470) in view of Torchia et al. (U.S. 2004/0249261). Kuth teaches substantially, all of the features of the present invention including a magnet assembly (12), a light source (20) that is obvious to be connected to an alternating current power source, a light projector (32), optical connection means (26), a lightguide that is formed by a bundle of optical fibers (34), a ferromagnetic frame (14), first and second opposing poles with integral canopies (10). Kuth does not disclose means connecting the light source to the light projector through a wall of the shielded room. In the same field of endeavor, Torchia et al. teaches this feature (Page 5, Paragraph 0125), showing that any object that is shielded would prevent interference with the small radio frequency signals that must be detected for the MRI analysis to be effective (Page 7, Paragraphs 0145, 0146). It would have been obvious to one of ordinary skill in the art at the time of invention was made to have placed the light source arrangement of Torchia et al. in the magnetic resonance imaging system of Kuth in order to prevent interference with radio frequency signals in the operation of the MRI system.

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Claims 6-8, 39-41 and 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuth as applied to claim 1 in further view of Fiberstars Lighting for the 21<sup>st</sup> Century (Specifications and Submittal sheet 210, 219, 220), of record. Fiberstars teaches substantially all of the features of the present invention including a fiber optic lighting system that consist of a plurality of jointed segments snapped together, each segment having a rounded and recessed end to create a flexible and aimable light projector, in order to safety highlight the area of interest and illuminate difficult or inaccessible areas (see section of Application). It would have been obvious to one of ordinary skill in the art at the time of invention was made to have placed the light projector of Fiberstars in the magnetic resonance imaging system of Kuth in order to provide a flexible and aimable illumination towards the patient and the site of interest thereby providing the user with safe highlighting and easy illumination of difficult or inaccessible areas as taught by Fiberstars during the MRI medical procedure.

### ***NOTICE OF ALLOWANCE***

#### ***Allowable Subject Matter***

Claims 13,14,36-38,33-35,45 and 46 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18-27 are allowed.

The following is an examiner's statement of reasons for allowance: The present invention pertains to a MRI system. In regards to Claims 18-27, it is the

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examiner's opinion that the art of record considered as a whole, alone or in combination, neither anticipates nor renders obvious a connected light projector to a canopy defined by the applicant as using optical fibers extended through the first canopy at a second location and out of the first canopy through the first location into the light projector, together in combination with the rest of the limitations or the dependent claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited are teachings of fiber optics illumination systems and applications to provide luminance for surgical procedures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John F. Ramirez whose telephone number is (571) 272-8685. The examiner can normally be reached on M-F 7:30 a.m. to 4:00 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JFR  
07/20/05

  
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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700